

**Remarks**

This Amendment is in response to the Office Action dated October 6, 2003. Claims 4, 34, 36 and 44 have been amended. Claims 1-3, 6-29 and 31 have been previously canceled without prejudice. New claims 47-49 have been added. Claims 4-5, 30 and 32-49 are currently pending. Reexamination and reconsideration are respectfully requested.

The Claims 34, 36 and 44 were objected to for informalities. Applicant has amended the claims as requested by the Examiner.

Claims 4-5 were rejected under U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,329,266 to Hwang et al. ("Hwang") in view of U.S. Patent No. 4,571,819 to Rogers et al. ("Rogers"). The rejection is respectfully traversed. Applicant does not agree with the Examiner's rejection. The Examiner's rationale for the combination of references was that it would have been obvious "to modify the process of Hwang et al. as suggested by Rogers et al., since Rogers et al. states at column 1, line 44-45 that such modification would provide trench isolation regions having a surface level or below the surface of the polysilicon etch-stop/buffer layer." Applicant respectfully submits that the Examiner's rationale for the combination does not appear to state why one would desire to modify Hwang to provide trench isolation regions as in Rogers. The Examiner did not appear to cite to any portion of Hwang that describes any desire or reason to modify the formation of the trench isolation regions described in Hwang. The Examiner also did not appear to cite any portion of Rogers describing any particular benefit that such modification to Hwang would provide. Applicant respectfully submits that the Examiner has used improper hindsight reconstruction to combine features from different references without an adequate suggestion or motivation for the particular combination. Accordingly, the rejection of claim 4 and its dependent claim 5 should be withdrawn.

Moreover, applicant has amended claim 4 to recite a method including elements relating to "forming a pad oxide layer" and "forming a sacrificial oxide layer". Applicant respectfully submits that the Examiner's citations to the art do not describe or suggest the elements recited in claim 4, as amended.

Accordingly, for at least the above reasons, applicant respectfully submits that the rejection of claim 4 and its dependent claim 5 should be withdrawn.

Applicant thanks the Examiner for indicating that claims 30 and 32-46 are allowed.

New claims 47-49 have been added. Support for these claims may be found throughout the specification and figures. It is believed that no new matter has been entered. Examination of the new claims is respectfully requested.

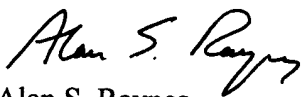
The Office Action also included various comments concerning the art and the non-patentability of features in various of the above mentioned claims. The discussion above has directly addressed some of those comments and the Examiner's other comments are deemed moot at this time in view of this response.

Applicant also would like to note that an Information Disclosure Statement (IDS) and copies of the cited references was filed by mail with the Patent Office in October 2003.

Applicant would like to confirm that the Examiner has received the IDS papers.

Applicant respectfully submits that the pending claims are in patentable form for at least the reasons stated above. Reexamination and reconsideration are respectfully requested. If, for any reason, the application is not in condition for allowance, the Examiner is requested to telephone the undersigned to discuss the steps necessary to place the application into condition for allowance.

Respectfully submitted,



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Alan S. Raynes

January 6, 2004  
(Date)